

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Establishment – PRES – A.P.A.T. orders dated 03.02.2011 in O.A.No.5018/2006 & Batch and 5818/2009 & batch - Regularisation of the services of temporary Assistant Executive Engineers appointed during the years 1993-1995 under Rule 10(a)(i) of A.P. State and Subordinate Service Rules – G.O.Ms.No.262, P.R. & R.D. (Estt.III) Department, dated 17.06.2006 – Extended - Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (ESTT.III) DEPARTMENT

G.O.Ms.No.334

Dated:26-09-2011.

Read the following:-

1. G.O.Ms.No.234, P.R. & R.D. (Estt.III) Department, dated 27.06.2005.
2. G.O.Ms.No.262, P.R. & R.D. (Estt.III) Department, dated 17.06.2006.
3. From the A.P. Administrative Tribunal, Interim orders in O.A.No.5018/2006 and Batch .
4. From the A.P. Administrative Tribunal, Interim orders in O.A.No.5818/2009 and batch.
5. Orders of A.P. Administrative Tribunal, dated 03.02.2011 in O.A.No.5018/2006 and batch and O.A.No.5818/2009 and batch.
6. From the High Court of A.P., Interim orders dated 22.02.2011 in W.P.No. 3954/2011 and 3955/2011 and batch.
7. From the Engineer-in-Chief, Panchayat Raj, Hyderabad, Letter No.SO3(6)/1822/2011, dated 26.03.2011.

ORDER:

In the reference 1st read above, orders were issued directing the Engineer-in-Chief, Panchayat Raj, Hyderabad to regularize the services of all temporary Assistant Executive Engineers who were appointed in between 1990-1995 below the last regular candidate in the category of Assistant Executive Engineer, strictly following the provisions of A.P. Public Employment (Organization of local cadre and regulation of direct recruits) Order 1975 and in accordance with the Rule 22 of Andhra Pradesh State and Subordinate Service Rules. In the said order, it was also directed to exclude all temporary appointments made to the category of the Assistant Executive Engineers in between 1990-1995 and continuing as such as on the date from the purview of Andhra Pradesh Public Service Commission under the proviso to clause 3 of the Article 320 of the Constitution of India.

2. In the reference 2nd read above, in partial modification of the orders issued in G.O. 1st read above, Government have directed the Engineer-in-Chief, Panchayat Raj, Hyderabad to regularize the services of the Assistant Executive Engineers who were appointed during the period 1990-1992 below the last regular Assistant Executive Engineer appointed through Andhra Pradesh Public Service Commission prior to promulgation of Act 2/94.

3. Aggrieved by the orders issued in the G.O. 2nd read above, number of O.As. were filed by Assistant Executive Engineers in the reference 3rd read above, seeking direction to set aside the G.O. 2nd read above.

4. Aggrieved by the orders issued in the G.O. 2nd read above, certain O.As. were also filed by Assistant Executive Engineers in the reference 4th read above, and seeking direction to initiate action for issuance of regularization to the applicants on par with others recruited to Assistant Executive Engineers category in 1990-1995 as per G.O. 1st read above without reference to G.O. 2nd read above.

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5. The Hon'ble APAT in its final orders 5th read above, has dismissed the O.A.No.5018/2006 and batch by holding that G.O.Ms.No.262, P.R. & R.D. (Estt.III) Department, dated 17.06.2006 is valid and there are no grounds to set aside the same as the regularized candidates were kept below the direct recruits appointed prior to 1994 which is not in conflict with the judgments of the Apex Court and also allowed the O.A.No.5818/2009 and batch by holding that the candidates appointed from 1993 to 1995 are also entitled for the similar benefit as that of the candidates appointed between 1990-1992 and directed the Government to issue a separate G.O. extending the benefit of seniority to the candidates appointed from 1993 to 1995 as per dates of their entering into service on par with the candidates appointed from 1990 to 1992 with all consequential benefits from the respective dates of entering into service.

6. The Hon'ble High Court of A.P. in its interim orders dated 22.02.2011 in WP MP No.5498/2011 in W.P. No.4441/2011 and batch has ordered that "Status quo obtaining as on today shall be maintained till 28.02.2011 and the said "Status quo orders was extended until further orders.

7. The Engineer-in-Chief, Panchayat Raj, Hyderabad, in his letter 7th read above, among others has stated the Orders of Hon'ble A.P. Administrative Tribunal, dt: 03.02.2011 was challenged before the Hon'ble High Court of A.P. and the Hon'ble High Court has pleased to granted interim orders on 28.02.2011 as follows.

Status quo granted earlier shall be continued for a further period of four more weeks, in so far as promotions are concerned".

Hence, the Engineer-in-Chief, Panchayat Raj, has requested the Government to take necessary action in this matter as per the orders issued vide G.O.Ms.No. 262, P.R. & R.D. (Estt.III) Department, dated 17.06.2006 and keeping in view of the orders of Hon' ble A.P.A.T dated 03.02.2011 and interim orders of High Court of Andhra Pradesh.

8. Government have examined the matter in consultation with Law Department; keeping in view the reports of Engineer-in-Chief, Panchayat Raj, Hyderabad, and orders of Hon'ble Tribunal and observed that the status quo orders of the Hon'ble High Court of A.P., will not come in the way of implementing the orders of the A.P.Administrative Tribunal, dated 03.02.2011 for the candidates appointed from 1993-95 as well as the orders of the Government issued in G.O.Ms.No.262, P.R. & R.D. (Estt.III) Department, dated 17.06.2006 and decided to implement the orders of Hon'ble A.P. Administrative Tribunal by extending the similar benefit of the seniority to the candidates appointed from 1993 to 1995 on par with the candidates appointed from 1990 to 1992 as ordered in G.O. 2nd read above; subject to outcome of W.Ps. pending in the High Court of Andhra Pradesh.

9. Accordingly, the Government hereby direct the Engineer-in-Chief, Panchayat Raj, Hyderabad to extend the similar benefit of the seniority to the candidates appointed from 1993 to 1995 on par with the candidates appointed from 1990-1992 as ordered in G.O. 2nd read above; subject to outcome of W.Ps. pending in the High Court of Andhra Pradesh.

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10 The Engineer-in-Chief, Panchayat Raj, Hyderabad, shall take necessary action in the matter, accordingly, by following due procedure as required under rules.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.RAJIV SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Engineer-in-Chief, Panchayat Raj, Hyderabad.

The Special Officer, O/o Engineer-in-Chief,
Rural Water Supply & Sanitation, Hyderabad.

Copy to:

The Govt. Pleader for Ser.II, High Court of A.P, Hyderabad.

The Govt. Pleader for P.R. & R.D., A.P.A.T., Hyderabad.

The Special Secretary to Chief Minister.

The P.S. to Minister for P.R.& R.W.S.,

The P.S. to Principal Secretary to Govt., (PR).

Sf/Sc.

// FORWARDED:: BY ORDER //

SECTION OFFICER